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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

THE UNITED STATES OF AMERICA,  
Plaintiff,

vs.

Y THI NHU LE AND BEN VAN PHAN,  
Defendants.

Case No.: 2:23-CR-00188 WBS

STIPULATION AND ORDER TO  
CONTINUE STATUS CONFERENCE

REQUESTED DATE: AUGUST 19, 2024  
TIME: 9:00 A.M.  
JUDGE: HON. WILLIAM B. SHUBB

**STIPULATION**

Plaintiff, United States of America, by and through its counsel of record, Heiko P. Coppola, and  
Defendants Y Thi Nhu Le, by and through her counsel of record, Timote Tuitavuki, and Ben Van  
Phan, by and through his counsel of record, Mary Ann F. Bird, (collectively, the “parties”)  
hereby stipulate as follows:

1. By previous order, this matter was set for status conference on May 28, 2024 at 9:00 a.m.  
and time was ordered excluded in the interest of justice.
2. By this stipulation, the parties hereby move to continue the status conference to August  
19, 2024 because counsels for the defendants need additional time to properly prepare a

1 defense. Specifically, defense counsels need the additional time based on the voluminous  
2 nature of the discovery.

3 3. Counsels for the defendants believe that failure to grant the above requested continuance  
4 would deny them the reasonable time necessary for effective preparation, taking into  
5 account the exercise of due diligence and the Government does not object to the  
6 continuance.  
7

8 4. Based on the above stated findings, the ends of justice served by continuing the case as  
9 requested outweigh the interest of the public and the defendants in a trial within the  
10 original dates prescribed by the Speedy Trial Act.  
11

12 5. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. section 3161, et  
13 seq, within which trial must commence, the time period of May 28, 2024 to August 19,  
14 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. 3161(h)(7)(A), B(iv)[Local  
15 Code T4], because it results from a continuance granted by the Court at the defendant's  
16 request on the basis of the Court's findings that the ends of justice served by taking such  
17 action outweigh the best interest of the public and the defendant in a speedy trial.  
18

19 6. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
20 Speedy Trial Act dictate that additional time periods are excludable from the period  
21 within which a trial must commence.  
22

23  
24 IT IS SO STIPULATED.

25 Dated: May 22, 2024

Respectfully submitted,

PHILLIP A. TALBERT  
United States Attorney

26  
27 BY:     /s/ HEIKO P. COPPOLA      
HEIKO P. COPPOLA  
28 Assistant United States Attorney

Dated: May 22, 2024

\_\_\_\_\_/s/TIMOTE FAKAOFO TUITAVUKI\_\_\_\_\_  
TIMOTE FAKAOFO TUITAVUKI  
Attorney for Y Thi Nhu Le

Dated: May 22, 2024

\_\_\_\_\_/s/ MARY ANN F. BIRD\_\_\_\_\_  
MARY ANN F. BIRD  
Attorney for Ben Van Phan

### FINDINGS AND ORDER


The matter having come before the Court and for good cause appearing,

The Court hereby continues the status conference hearing to **August 19, 2024 at 9:00**

**A.M.** Time is excluded under the Speedy Trial Act from May 28, 2024 up to and including August 19, 2024. The ends of justice outweigh the best interests of the public and the defendants in a trial within the original dates prescribed by the Speedy Trial Act.

IT IS SO ORDERED.

Dated: May 22, 2024

  
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WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE